

15

Home

(194₉) Department.

Ms. SERIES.

Passes
8/4

G.O. NO. 1494

Dated 14th April 1949

[Despatch Abstract.]

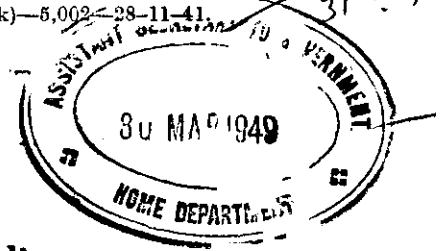
Courts - Civil - South Kanara district - Appointment of an additional Subordinate Judge, Mangalore - Continuance - Sanction

H.Ct. No. 4 (thick)—5,002—28-11-41.

R.O.C. No. 1057/49-D2.

From

K.N. Ganpati Esquire, B.A., Bar-at-Law,
**Registrar of the High Court of Judicature,
Madras.**



To

The Secretary to Government, Home Department, Madras
(with enclosure 4).

Dated, Madras, the 28th March 19 49.

Sir,

Subject: Courts - Civil - South Kanara district - appointment
of additional Sub Judge and staff at Mangalore -
continuance of.

p 21 of (b)

Ref: G.O.Ms.4622 Home Department dated 15-12-48.

2.

I am to forward for orders of Government a copy of letter No.,

3-4 *upm*

A 59/49 dated 15-3-49 from the District Judge South Kanara on the subject cited. The Hon'ble the Judges recommend the continuance of the post of additional Sub Judge, Mangalore and staff up to 31-12-49.

2 Necessary provision has been made in the draft budget for 1949-50 for the continuance of the additional Sub Judge and staff.

Dr. S. S. S. S.
REGISTRAR.

FP/6x

Copy of letter No.A.59/49 dated 15th March 1949 from the District Judge, South Kanara to the Registrar, High Court, Madras.

Sub: Courts - Civil - Appointment of Additional Sub-Judge, Mangalore - continuance of report submitted.

Ref: High Court R.O.C.No.1057/49-D2 dated 5-2-1949. *Wm. J. J.*

With reference to the above communication, I have the honour to state as follows:-

2. An additional Sub-Judge was first sanctioned to the Sub-Court, Mangalore, in G.O.Ms.5579, Home Department, dated 8-4-1943 for a period of six months from the reopening of that Court after the summer recess of that year, i.e. from 15-6-1943. The term of sanction of the additional Sub-Judge as last extended in G.O. Ms.No.4622, Home Department, dated 15-12-1948 is due to expire on 24-4-1949 (afternoon) with the closing of the Court for the summer recess.

3. When the Additional Sub-Judge began to function in the Sub-Court on 15-6-1943, the pendency of original suits stood at 93 (20 old) and of appeals in the District as a whole stood at 1013 - 439 in the District Court and 574 in the Sub-Court. The pendency of appeals has by now been reduced to normal proportions, the pendency on 28-2-1949 being 296 - 191 in the District Court and 105 in the Sub-Court. The pendency of original suits in the Sub-Court, however, increased considerably in 1944 and has remained at a high level since then, in spite of the sustained efforts of the two officers to reduce the file to the normal. The unusually heavy institution of suits in the recent years has stood in the way of any substantial reduction in the pendency of original suits. The statement appended hereto shows at a glance the state of the file of appeals in the District and of Original Suits in the Sub Court, South Kanara, during the year 1943 and the years following:-

I Appeals.

	Upto 15-6-43	1943	1944	1945	1946	1947	1948	1949 Up to 28-2-49
Instituted	161	426	459	516	511	502	456	80
Disposed of:-								
(1) in Dist. Court	54	249	224	206	189	152	102	17
(2) in Sub Court	72	394	475	448	411	366	364	55
Total	126	643	699	654	600	518	466	72
Pending at the end of the year	1013	765	528	393	323	299	288	296
No. of old appeals pending	871	566	287	141	49	69	54	43

II. Original S uits.

	Up to 15-6-43	1943	1944	1945	1946	1947	1948	1949 Up to 28-2-49
Instituted	41	114	109	106	173	197	173	28
Disposed of	27	92	88	125	189	183	194	31
Disposed/after full trial	18	57	54	80	121	107	118	19
Pending at the end of the year	93	111	144	138	135	168	159	161
No. of old suits pend- ing.	20	20	51	44	9	16	30	33

4. Though the pendency of appeals in the district as a whole is much below what it was when an additional officer was sanctioned to the Sub Court, the pendency of original suits in the Sub Court has been on the increase notwithstanding the efforts of the two officers. After the pendency of appeals had been brought to normal proportions by the end of 1944, greater attention was paid to the disposal of original suits. The rate of disposal of original suits in 1946 and the years following has been about double that of the year 1944 and the previous years; but as a result of the enormous increase in the institution of suits since 1945, it has not been possible to bring down the pendency. There is no definite sign yet of a decrease in the institution of original suits. It will not, therefore, be possible for a single officer under the existing circumstances to cope with the work of the Court, much less to reduce the large pendency of suits.

5. Further, the coming into force of the recent Aliyasanthana Bill is likely to increase materially the institution of original suits for partition in the Sub Court in the next few years. A single officer already overburdened with heavy pendency may not be able to tackle the still increasing work.

6. In view of the facts set out above, I am of the opinion that there are grounds for retaining the Additional Sub Judge for some more time. I, therefore, recommend that the term of sanction of the additional officer to the Sub-Court, Mangalore, may be extended provisionally till the end of 1949.

7. A statement in duplicate showing the institutions, disposals and pendency for the Superior Courts of this district for 1948 and for the current year up to 28-2-1949 is enclosed.

(True Copy)

Channanur
Sub-Assistant Registrar, A.D.

Statement showing the institutions, disposals and the District and Sessions Court of South Kanara for the year and the current year up to 28-2-1949 inclusive.

Names of presiding officers.		Period presided over	
		From	To
A.M.R.Davidar, Esq., M.A., B.L.		1-1-1948	6-2-1948
No presiding officer (Sub-Judge was in charge)		7-2-1948 to	20-2-1948
C.Krishna Moose, Esq., B.A., B.L.		21-2-1948	31-12-1948
Do.		1-1-1949	28-2-1949

Nature of proceedings.	Insti- tuted.	Disposed of		Pending	
		After full trial	Total.	Total	Old cases.

Sessions cases.

1948.					
A.M.R.Davidar, Esq.		1	1		
C.Krishna Moose, Esq.		22	22		
Total	24	23	23	2	..
1949				2	
C.Krishna Moose, Esq.,	3	3	3	22	..

Criminal Appeals.

1948					
A.M.R.Davidar, Esq.,		1	1		
C.Krishna Moose, Esq.,		41	41		
Total	68	42	42	26	12
1949					
C.Krishna Moose, Esq.,	13	10	10	29	19

Criminal Revision Petitions.

1948					
A.M.R.Davidar, Esq.,		..	..	..	..
C.Krishna Moose, Esq.,		13	13		
Total	18	13	13	5	4
1949.					
C.Krishna Moose, Esq.,	..	1	1	4	4

Original Suits.

1948					
A.M.R.Davidar, Esq.,		1	1		
C.Krishna Moose, Esq.,		1	1		
Total	..	2	2	3	2
1949					
C.Krishna Moose, Esq.,	..	..	..	3	3

Original Petitions.

1948					
A.M.R.Davidar, Esq.,		6	17		
C.Krishna Moose, Esq.,		37	176		
Total	213	43	193	70	35
1949					
C.Krishna Moose, Esq.,	36	5	36	70	31

Civil Appeals

1948					
A.M.R.Davidar, Esq.,		17	20		
C.Krishna Moose, Esq.,		76	82		
Total	456	93	102	228	35
1949					
C.Krishna Moose, Esq.,	80	17	17	191	22

Nature of
proceedings.

Institu-
ted.

Disposed of

Pending

After
full
trial

Total

Total

Old
cases.

Civil Miscellaneous Appeals.

1948.

A.M.R.Davidar, Esq.,
C.Krishna Moose, Esq.,
Total

61

1
36
37

1
42
43

30

17

1949.

C.Krishna Moose, Esq.,

8

12

13

25

14

District Court, South Kanara,
Mangalore, 15th March, 1949.


District Judge.


Statement of work done by the Principal and Additional Subordinate Judges, Mangalore, for the year 1948.

Names of Officers		Period presided over.			
Sri S. Narasimhulu, B.A., Principal Subordinate Judge		1-1-1948 to 31-12-1948			
Sri K.R.Krishnaiah Chetty, B.A., B.L., Additional Subordinate Judge		do. to do.			
Nature of proceedings.	Instituted.	Disposed of		Pending on 1-1-49	
		After full trial	Total.	Total	Old.
<u>Original Suits.</u>					
Sri S. Narasimhulu		54	104	78	14
Sri K.R.Krishnaiah Chetty		64	90	81	16
Total	173	118	194	159	30
<u>Small Cause Suits.</u>					
Sri S.Narasimhulu		..	1	..	..
Sri K.R.Krishnaiah Chetty		34	127	21	2
Total	119	34	128	21	2
<u>Regular Appeals (by transfer)</u>					
Sri S.Narasimhulu		187	187	24	..
Sri K.R.Krishnaiah Chetty		177	177	36	..
Total	..	364	364	60	..
<u>Miscellaneous Appeals</u>					
Sri S. Narasimhulu		26	26	3	..
Sri K.R.Krishnaiah Chetty		26	26	..	..
Total	49	52	52	3	..
<u>Execution Petitions.</u>					
Sri S. Narasimhulu		..	387	95	40
Sri K.R.Krishnaiah Chetty		..	98	20	4
Total	487	..	485	115	44
<u>Original Petitions (relating to L.A.Cs)</u>					
Sri S. Narasimhulu	50	20	48	4	1
<u>Original Petitions (relating to other matters)</u>					
Sri ~~Sxx~~ K.R.Krishnaiah Chetty	41	20	32	17	8,
<u>Insolvency Petitions.</u>					
Sri K.R.Krishnaiah Chetty	20	..	24	6	1
<u>Sessions Cases (by transfer)</u>					
Sri S.Narasimhulu		12	12	2	..
Sri K.R.Krishnaiah Chetty		7	7	3	..
Total	..	19	19	5	..

District Court, South Kanara,
Mangalore, 15th March, 1949.

C. Krishnaiah
District Judge.
B

Statement of work done by the Principal and Additional Sub-ordinate Judges, Mangalore, for the period from 1-1-49 to 28-2-49.

<u>Names of Officers.</u>	<u>Period presided over.</u>
Sri S. Narasimhulu, B.A., Principal Subordinate Judge.	1-1-1949 to 28-2-1949
Sri K. R. Krishnaiah Chetty, B.A., B.L., Additional Subordinate Judge.	Do. to Do.

Nature of proceedings.	Insti- tuted.	Disposed of		Pending on 1-3-1949.	
		After full trial	Total.	Total	Old.

Original Suits.

Sri S. Narasimhulu		12	19	73	13
Sri K.R.Krishnaiah Chetty		7	12	88	20
Total	28	19	31	161	33

Small Cause Suits.

Sri K.R.Krishnaiah Chetty	17	2	14	24	5
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Regular Appeals (by transfer)

Sri S. Narasimhulu		32	32	44	1
Sri K.R.Krishnaiah Chetty		23	23	61	..
Total	..	55	55	105	1

Miscellaneous Appeals.

Sri S. Narasimhulu		4	4	1	..
Sri K.R.Krishnaiah Chetty	..	..	..	2	..
Total	4	4	4	3	..

Execution petitions.

Sri S. Narasimhulu		..	47	104	42
Sri K.R.Krishnaiah Chetty		..	14	22	3
Total	72	..	61	126	45

Original Petitions
(relating to L.A.Cs)

Sri S. Narasimhulu	..	1	2	2	2
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Original Petitions
(relating to other matters)

Sri K.R.Krishnaiah Chetty	5	3	5	17	6
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Insolvency Petitions

Sri K.R.Krishnaiah Chetty	2	1	1	7	2
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Sessions Cases (by transfer)

Sri S. Narasimhulu		7	7	..	..
Sri K.R.Krishnaiah Chetty		3	3	1	..
Total		10	10	1	..

District Court, South Kanara, |
Mangalore, 15th March, 1949. |

C. Krishnaiah
District Judge.

C. No. 27192 E/49

[Signature]

Home department

T. M.

[Signature]
4/4

From the Secy to Govt Home Dep.
To the Regr, High Court, Madras

Courts - Civil - South Kanara dt.
Appointment of addl. sub judge,
Mangalore - Continuance

th 1.34

Ref. your letter bloc. 1057/49-D₂ of 28.3.49

Please state, ~~very urgently~~ not later than
8.4.49, whether as a measure of economy the
appointment of the addl. sub. judge, Mangalore may be
abolished on 25.4.49 and revived after the reopening
of the Court after the summer recess, 1949.

Letter R.C. to Govt.
(R.D. 9/4/49)

[Signature]
2.4.49

Copy of Rec.Nos.1052 and 1053/49-D2, 1062/49-D2 and 1064/49-D2, dated the 4th April 1949.

Postcopy of Telephonic Message. From the Registrar, High Court, to the Secretary to Government, Home Department.

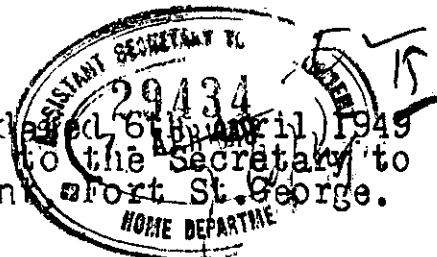
an. The file Reference: Your copy of Telephonic Message dated 1-4-1949.

The Honourable the Judges have not recommended the termination of the additional courts on the closing of the courts for summer-recess 1949 and revival after the reopening in cases where the additional courts are likely to be continued even beyond the period for which their Lordships have recommended continuance. Apart from considerable administrative inconvenience in terminating such courts during the summer-recess, and reviving them after the re-opening, there will be no real economy effected.

(True copy)

R.O.C.No. 1057/49-D2.

E 2 Post copy of the Telephonic Message dated 6th April 1949 from the Registrar, High Court, Madras, to the Secretary to the Government of Madras, Home Department, Fort St. George.



p.11 ante 24524 Ref:- Post copy of your Telephonic Message dated 4-4-49.

The additional Sub Court Mangalore has been in existence from 1943, and is likely to be continued beyond the term recommended in High Court's letter R.O.C.No.1057 of 1949-D2 dated 29-3-49. There will be no real economy effected by terminating this additional Court during the summer-recess and reviving it after the re-opening. On the other hand this will result in considerable administrative inconvenience.

J. H. Rajagopalan
for Registrar. *6-4-49*

To
The Secretary to the Government of Madras,
Home Department, Fort St. George,
Madras.

PRL.

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26/14

Home Department.

G.O.Ms.No. 2494 - dated 1.4.49

2 Courts - Civil - South Kanara district -
Appointment of an additional subordinate judge,
Mangalore - Continuance - Sanctioned.

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p 21 of 2
pp 2 of

Read again: G.O.Ms.No.4622, Home, dated 15.12.48

Read also : From the High Court, ROC.No.1057/49-D2
dated 28.3.49

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ORDER:

p 2 of

p 21 of 2

His Excellency the Governor of Madras sanctions the continuance upto the 31st December 1949 of the appointment of the addl. Subordinate judge, Mangalore with its establishment, the retention of which was last sanctioned in G.O.Ms.No.4622, Home, dated 15.12.48.

2. The expenditure should be met from the appropriation under "27. Administration of Justice - f. Civil and Sessions Courts - B.Mufassal Civil and Sessions

Courts

18/

Courts - ~~Rayxx~~ Regular establishments - Pay of officers
and pay of establishments - Voted; - +

h
6449.
20
6.4.48

7.4

6.4.48

S. Kanara
25/4

To the Hon the C.J.
,, ✓ Dt. Judge, S. Kanara
,, ✓ A.G. thro' the Fin.
dept.

9
R.O.C.No.1057/49-D2.

From

K.N.Ganpati Esquire, B.A., Bar-at-Law, 1 APR 1949

Registrar, High Court, Madras.



To

The Secretary to Government, Home Department, Madras.

Dated 19th April 1949.

Sir,

Courts - Civil - South Kanara District - appointment of
additional Sub Judge and staff Mangalore - continuance
of

Ref: Correspondence resting with the post copy of my telephonic
message dated 6-4-49.

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I am to state that the post of the additional Sub Judge Mangalore and the staff will be continued in anticipation of sanction of Government unless orders to the contrary are received in time.

K.N.Ganpati
REGISTRAR.

PP *h* *11:11* *8/4* Copy to the District Judge, South Kanara.

2

Home Dept

Orders have since issued in 20 ms

(E)

no. 1494, Home, of 14.4.49; May be filed

with the papers at. (E)

18/5.4

22.6.49

25/4/49

Courts - Civil - South Kanara District - Appointment of additional subordinate judge, Mangalore - Further retention.

From the High Court, ROC.No.1057/49-D2, dated 29.3.49

(Issued as t.m. dated 4.4.49) to the High Court).

From the High Court, t.m., dated 4.4.49)

In G.O.Ms.No.5579, Home, dated 8.4.43, sanction was

accorded to the appointment of an addl. subordinate judge to the Sub-Court, Mangalore for a period of six months from the date on which the court reopened after the summer recess 1943. The post was continued from time to time and the last sanction accorded in G.O.Ms.No.4622, Home, dated 15.12.48 expires on 24th April 1949 with the closing of the court for the summer recess 1949. For the reasons stated in paras 3-5 of his letter on pp.3-4 c.f., the Dist.Judge, South Kanara requests that the term of the addl. sub judge, Mangalore may be extended provisionally till the end of 1949. The Hon the Judges recommend the continuance of the post of addl sub judge and staff Mangalore upto 31.12.49.

2. The following statement shows the state of work in the Sub-Court, Mangalore since 1946.

Year	Original Suits				Small Cause Suits				Appeals			
	Ins.	Dis.	Dis. AFT.	Pen.	Ins.	Dis.	Dis. AFT.	Pen.	Ins.	Dis.	Dis. AFT.	Pen.
1946	173	189	121	135(9)	134	130	35	26(5)	406	411	411	185(2)
1947	197	183	107	168(16)	116	113	34	32(7)	338	376	369	140(10)
1948	173	194	118	159(30)	119	128	34	21(2)	364	364	364	60
1949 upto 28.2.49	28	31	19	161(33)	17	14	2	24(5)	..	55	55	105(1)
1949 whole year (roughly)	140				85							

It will be seen from the above statement that the probable institutions under O.S. in 1949 are likely to be as it was in the previous year, while those under S.C. suits are likely to be on a level with the figure for last year. The disposal

11

are satisfactory. ~~The pendency under O.S. and S.C. suits~~
~~was~~ ~~is as much as at the end of 1947.~~ The Dist. Judge,
has stated that the unusually heavy institution of suits
in ~~the~~ recent years has stood in the way of any substantial
reduction in the pendency of original suits, that there is no
definite sign yet of a decrease in the institution of
original suits, that the coming into force of the Aliya-
santhana Bill is likely to increase materially the insti-
tution of original suits for partition in the sub-court in
the next few years and that a single officer already over-
burdened with heavy pendency may not be able to tackle the
still increasing work.

para 3, p 3 of

para 4, p 4 of

para 5, ibid

On the basis of the standard outturn of 56 O.S. (after
full trial) fixed for the Sub Judge, Mangalore, the pendency
of 161 O.S. (33 old) alone represents work for more than a
year for a single officer irrespective of subsequent
institutions. ~~For orders whether in the circumstances,~~
~~the recommendation of the High Court may be accepted.~~

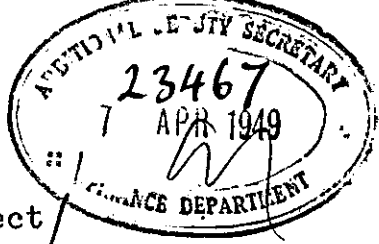
since abolished

3. In similar cases of continuance, Finance suggested
that the addl. courts may be abolished during the summer
recess and revived after the reopening of the courts after
the summer recess. The High Court ^{has} stated that the Hon the
Judges have not recommended the termination of the addl.
courts on the closing of the courts for summer recess 1949
and revival after the reopening in cases where the addl.
courts are likely to be continued even beyond the period
for which their Lordships have recommended continuance.
It has also been stated that apart from considerable admini-
strative inconvenience in terminating such courts during
the summer recess and reviving them after the reopening,
there will be no real economy effected.

another file is

copy at p 13 of

4. For orders whether in the circumstances, the
recommendation of the High Court may be accepted. Subject
to orders, a draft order is submitted for approval.



5. Finance may see before circulation.

6.4.49 26.4.49 7.4. 7m.

Home No. 27152-Ex/4-1 7.4.49

21/4
(ct 27192E)

Guiana E.I.

Please see the Home Dept notes from plants
the draft order below may be accepted
and the case returned to Home

21/4
7.4.49.

1:

111
21/4/49

Home Department

File no 23467 E 1497 This file deals with the recommendation of
The High Court that the post of the addl. and
judge, Mangalore and staff may be continued
upto 31st Dec. 1949. This Dept. propose to
accept the recommendation of the High Court
finance agree. ~~A draft order is submitted for~~
approval

2. May be circulated to H.M. (Law) for
approval of the draft order below.

14.4.49

14.4.

14.4.



H.M. (Law)

[Signature]
1115

H. 17 18 7 (Issued as G.O. no. 1494 Home, 14.4.49) -
H.M. (a.s.)

